

REMARKS

By this amendment, claim 4 has been amended, and claim 3 has been cancelled without prejudice or disclaimer. Accordingly, claims 1-2 and 4-5 are currently pending in the application, of which claims 1 are 5 are independent claims.

No new matters are believed to be added by these Amendments. In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Drawing Objection

In the Office Action, the drawings were objected to as not showing every feature of the invention specified in the claims.

Claim 3 has been canceled, which renders the drawing objection moot. Accordingly, Applicant respectfully requests withdrawal of the drawing objection.

Rejections Under 35 U.S.C. § 112, first paragraph

Claim 3 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 3 has been canceled, which renders this rejection moot. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, first paragraph, rejection of claim 3.

Rejections Under 35 U.S.C. § 103

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U. S. Patent No. 6,356,251 issued to Naito, *et al.* ("Naito") in view of U. S. Patent No.

6,552,703 issued to Ushigusa, *et al.* (“Ushigusa”). Applicant respectfully traverses this rejection for at least the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference or references, when combined, must disclose or suggest all of the claim limitations. The motivation to modify the prior art and the reasonable expectation of success must both be found in the prior art and not based upon a patent applicant’s disclosure. *See in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

There is no suggestion or motivation to modify the reference or to combine reference teachings in the manner proposed by the Examiner. There would be no reason why one of ordinary skill in the art, confronted with the problem of adjusting brightness of an image display device using a simple circuit structure and simple operation, would rely upon the combination of Naito, which confronts the problem of optically transmitting increased information from driving circuits to display elements, and Ushigusa, which confronts the problem of reducing power consumption in a display apparatus of capacitive light emitting devices.

Even if the references are combined, they do not disclose or suggest all of the claim limitations.

In reference to claims 1 and 5, the Office Action states that “Naito discloses an electroluminescent display device comprising a plurality of data electrodes, light emitting layer, a plurality of scanning electrodes formed in a substrate in sequence (Fig. 1-4).” However, Naito’s Figures 1-4 disclose a liquid crystal display and liquid crystal panel (Col. 2, lines 23-29). Naito, therefore, does not disclose a light emitting layer. (Col. 3, lines 21-61).

The Office Action further states that “Light emitting elements, a column driving circuit, row driving circuit shown in Fig. 12-15.” However, Naito’s light emitting elements 42a of Figure 12 are part of the scan electrode driving systems 40a of Figure 12 (Col. 8, lines 71-5), and the light emitting elements 52a of Figure 12 are part of the signal electrode driving systems 50a of Figure 12 (Col. 8, lines 43-50). Accordingly, Naito does not disclose or suggest “a plurality of light emitting elements in a matrix form at crossing points between said data electrodes and said scanning electrodes, and a column driving circuit and a row driving circuit for driving said image display portion by selecting and lighting said light emitting elements.”

The Office Action continues “The row driving circuit has function to simultaneously drive more than two of the scanning electrode and successively lighting horizontal regions in sequence corresponding to the number of scanning electrodes for simultaneously driving the light emitting elements as claimed.” However, in addition to the reasons noted above regarding the light emitting elements, Naito’s row driving circuit does not function as stated in the Office Action. Rather, Naito’s scan electrodes are scanned sequentially. (Col. 3, lines 55-61; Col. 6, lines 29-30; Col. 10, lines 19-20). Figures 24-27, which show the sixth embodiment of Naito’s invention, do not disclose otherwise. Additionally, aside from differences mentioned from Col.

19, line 55 through Col. 21, line 23, “the effects of the [sixth] embodiment are otherwise the same as the second embodiment.” Col. 21, lines 21-23. Therefore, the sixth embodiment also does not disclose a row driving circuit that functions as stated in the Office Action or that discloses or suggests the features recited in claims 1 and 5.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1 and 4-5. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claims 1 and 5, and all the claims that depend therefrom are allowable.

Further, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of canceled claim 3.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Naito and Ushigusa in view of U. S. Patent No. 5,754,160 issued to Shimizu, *et al.* (Shimizu). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 2 depends from claim 1, which is an allowable claim. Since Shimizu does not supply the deficiencies of Naito and Ushigusa, claim 2 is also allowable. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claim 2.

Other Matters

Pursuant to the Assignment and Statement Under 37 C.F.R. 3.73(b), Power of Attorney by Assignee, filed on March 26, 2004, it is requested that future correspondence regarding this application be sent to **McGuireWoods, LLP**.


CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,


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